GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of A. C. C. Engineering Works, Shahabad, Gulbarga District.

Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers:—

(i) Letter No. 1339-40/67-68, dated 22nd November 1967 from Shri A. Panchaksharaiah, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated: 21st November 1967.

Present:

Shri A. Panchaksharaiah, B.A. (Hons.), LL.B. *Presiding Officer.*

I.D. No. 19 of 1964.

The Workmen of A. C. C. Engineering Works, Shahabad, Gulbarga District.

I Party

Vs.

The Management of A. C. C. Engineering Works, Shahabad, Gulbarga District.

II Party

APPEARANCES

For the I Party: Sri Nazir Ahmed, Secretary, A. C. C. Engineering Works Employees' Union, Shahabad.

For the II Party: Sri G. S. Ullal, Vice-President, Karnataka Employers' Association, Bangalore.

Reference :

(G. O. No. PLM 294 LLE 63, dated 25th July 1964).

AWARD

The A.C.C. Engineering Works Employees' Union, Shahbad placed a Charter of demands before the Management of A. C .C Engineering Works, Shahabad, in relation to their right for flat rate increments as a result of the transfer of workmen from their Parent Works, (2) Cycle Advance deductable in reasonable monthly instalments, (3) nominating the representative of the Works to the Housing Allotment Committee and (4) revision of wages. These were the subject matters of conciliation and on failure of the conciliation proceedings the Conciliation Officer submitted a failure report to the Government. The Government of Mysore have referred these demands under Section. 10 (1) (d) of the Industrial Disputes Act, 1947, in their Order No. PLM 294 LLE 63, dated 25th July 1964, to this tribunal for adjudication. The dispute was registered as I. D. No. 19 of 1964 by this tribunal.

2. The I Party workmen filed a claim statement justifying these demands. The I Party workmen were represented by one Sri Nazir Ahmed, Joint Secretary of the Union. The Claim statement was filed on 14th September 1964. The Management filed a counter statement through its Manager on 23rd October 1964. In the course of the lengthy counter statement filed, the management raised some preliminary objections for the maintainability of this reference and also questioned the jurisdiction of this tribunal. In the course of the preliminary objections it has been contended by the II Party that the reference is bad in law, ultravires of the Industrial Disputes Act, 1947. The issues enumerated as points of dispute, may be points of dispute, but they are not industrial disputes under the

above Act. In view of the fact that it is not an industrial dispute, this tribunal has no jurisdiction to entertain and dispose of this dispute. The II Party also requested the tribunal to consider these objections as preliminary objections as those objections go to the very root of the matter. Accordingly my learned predecessor, after recording evidence of both the I and II Parties, upheld the contention of the I Party and over-ruled the objections raised by the II Party by his order dated 30th June 1965 and posted the case for trial on merits. Against this Order the II Party went in Writ Petition No. 1412/65 to the High Court questioning the propriety of the order passed by my learned predecessor upholding the cotentions of the I Party. The High Court allowed the Writ Petition and quashed the order passed by my learned predecessor and also quashed the Reference, holding that this tribunal has no jurisdiction and the Government had no powers to make such a Reference. In view of the pronouncements by the High Court holding that this tribunal has no jurisdiction and the Reference itself is invalid, I can not proceed with the matter further.

3. In the result, therefore, the Reference is rejected. In the circumstances each party will bear its own costs.

A. PANCHAKSHARIAH,
Presiding Officer,

ORDER

Bangalore, dated 27th November 1967.

S.O. 2352.—WHEREAS by State Government Order No. PLM 294 LLE 63, dated 25th July 1964, the Industrial Dispute between the Workmen and the Management of A.C.C. Engineering Works, Shahabad, Gulbarga District, was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. PLM 294 LLE 63.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*